

66-3556/1

20 SEP 1966

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Appeal of [redacted]
dated 15 June 1966 from Decision by CIA Contracting
Officer dated 13 May 1966, Contract No. [redacted]

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1. This memorandum contains a recommendation for the Executive Director-Comptroller; such recommendation is contained in paragraph 6.

2. The portion of this contract calling for delivery of twelve film viewers and two film readers was terminated for default after the Contractor advised in May 1966 that he could not meet performance specifications or provide the prototype unit called for. We seek return of unliquidated progress payments of about [redacted]. The Contractor seeks to recover [redacted] which he claims he spent in "development" despite the fact that he admits he signed a fixed-price contract.

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4. The "Disputes" Clause of the contract refers to the finality of the decision by the "Secretary" or his duly authorized representative. The "Definitions" Clause sets forth in pertinent part the following:

"The term 'Secretary' means the . . . head or any assistant head of the Federal agency; and the term 'his duly authorized representative' means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary."

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SUBJECT: Appeal of [redacted] dated
15 June 1966 from Decision by CIA Contracting Officer dated
13 May 1966, Contract No. [redacted]

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5. Additionally, part of Contract No. [redacted] for film viewers, readers, and electronic counters was terminated for default. [redacted] advised it would not make timely shipment and contested our basis for rejection. However, no appeal has been entered to date, though one might be in the future. If so, the ASBCA could handle it.

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6. It is recommended that you sign the attached Memorandum for the Record wherein you appoint the ASBCA as your duly authorized representative for the purpose of deciding the issues presented by the appeal. (The Contracting Officer will duly notify the Contractor of this action.)

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[redacted]
Lawrence R. Houston
General Counsel

Att:
M/R

cc: DD/S (2)
OL/PD

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